

Message Text

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ACTION L-03

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R 291756Z JAN 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 7342

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E.O. 11652: N/A

TAGS: PFOR, CPRS

SUBJECT: EXTRADITION - VICTOR DANENZA AKA DANEN

REF: PARIS 2684, STATE 10606

1. EMBASSY WOULD LIKE TO CALL DEPARTMENT'S ATTENTION TO WHAT MIGHT PROVE TO BE A PROBLEM IN CONNECTION WITH EXTRADITION REQUEST AND/OR SUBSEQUENT PROSECUTION OF VICTOR DANENZA.

2. OUR REQUEST FOR PROVISIONAL ARREST WAS BASED ONLY ON CHARGES OF MAIL FRAUD IN ACCORDANCE WITH INSTRUCTIONS IN STATE 10606. YET EMBASSY HAS RECEIVED INFORMATIONALLY FROM U.S. DISTRICT ATTORNEY'S OFFICE ADVANCE COPIES OF ARREST WARRANT AND INDICTMENT INDICATING THAT DANENZA IS ALSO WANTED FOR SECURITIES' FRAUD AND INCOME TAX EVASION.

3. WHILE IT SEEM CLEAR THAT MAIL FRAUD IS AN BL EXTRADITABLE OFFENSE UNDER THE TREATY, IT IS NOT AT ALL CLEAR THAT THE OTHER TWO OFFENSES ARE. MOREOVER, ARTICLE VII OF TREATY SAYS THAT NO PERSON SURRENDERED CAN BE TRIED OR PUNISHED FOR ANY OFFENSE COMMITTED PRIOR TO HIS EXTRADITION OTHER THAN OFFENSE FOR WHICH HE WAS DELIVERED UP.

4. IT SEEMS POSSIBLE, THEN, THAT IF DANENZA WERE EXTRADITED FOR MAIL FRAUD HE COULD NOT BE TRIED ALSO FOR

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SECURITIES' FRAUD AND INCOME TAX EVASION. MOREOVER,

FRENCH MIGHT CONCEIVABLY BALK AT EXTRA-
DITING HIM BASED ON A THREEFOLD INDICTMENT WHEN ONLY
ONE OF THREE OFFENSES WAS EXTRADITABLE. ALTERNATIVELY,
FRENCH MIGHT REQUIRE SPECIAL ASSURANCES THAT DANENZA
BE TRIED ONLY FOR MAIL FRAUD.

5. EVEN IF FRENCH SHOULD INTERPOSE NO OBJECTION TO
TRIPLE INDICTMENT, IT SEEMS THAT PROSECUTION MIGHT BE
HANDICAPPED BY BEING LIMITED TO TRYING ACCUSED FOR
SINGLE OFFENSE AND THAT LATTER MIGHT CONSEQUENTLY GET
AWAY WITH LIGHTER SENTENCE THAN HE MERITS.

6. WE WOULD BE GRATEFUL TO HAVE DEPARTMENT'S VIEWS
ON POINTS RAISED IN THIS TELEGRAM.
GAMMON

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